IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 96 OF 1994

Maniklal Ramkisan Navandar ..Appellant

versus

1. Shaikh Nisar Shaikh Isa ..Dismissed as per order dt.27.2.96
2. Vithalbhai Vishram Prajapati
3. United India Assurance Co. Ltd. ..Respondents

Mr. K. S. Patil h/f. Mr. P. N. Joshi for the Appellant.

Appeal against respondent No.1 dismissed vide order dated 7.2.1996.

None for the Respondents No.2 and 3.

CORAM : D. G. DESHPANDE,J.

DATE : 17H JANUARY,2005

ORAL ORDER :

1. Heard counsel for the appellant. Nobody is present for the respondents.

2. In the accident where the claimant was driving motorcycle, a truck dashed against him, as a result of which he suffered injury to his lips, he

lost four of his teeth and also had a head injury. He had claimed Rs.40,000/=. As per paragraph 9 of the judgment of the lower court he was entitled to Rs.7,210/=for pain as pecuniary loss. Then as per paragraph 11 he was entitled to Rs.8,000/- for the loss of four teeth and for the loss of amenities he was entitled to Rs.3,000/-, so the total comes to Rs.18,210/-. However, in the operative part the Extra Joint District Judge and Mebmer, MACT, Nashik awarded Rs.15,210/=. Counsel for the appellant also states that in fact this was a mistake which the claimant could have got corrected from the Tribunal as a mistake in calculation. But since the appeal is filed the compensation should be enhanced to Rs.18,210/-. The prayer made is most reasonable, therefore, the following order;

ORDER

. Appeal is partly allowed. Compensation to which appellant is entitled is increased to Rs.18,210/-.Rest of the Judgment to remain the same along with the costs of this court. Certified copy expedited.

17.1.2005 (D.G. DESHPANDE, J.)

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